761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

# SHERIFF'S DEPARTMENT

DATE: August 29, 2003

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: CARL H. DEELEY, CAPTAIN
LANCASTER STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, AUGUST 23, 2002, REVIEW #2070458**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on August 23, 2002.

The Committee met on August 28, 2003, and consisted of myself and Commanders Lynda Castro (Commander of the Department) and Michael Savidan (Leadership & Training Division). The Committee determined that the use of force by Deputies Gregory Kelly #[redacted] and Shannon Knight #[redacted] was within Department policy. **Please advise the deputies of this finding.**

RLC:KRK:kk

# Table of Contents

**SH #2070458**

# Los Angeles County Sheriff's Department
# Officer Involved Shooting



| Report Date: | Bureau/Station/Facility: | Admin. Invest.? | Hit? |
|---|---|---|---|
| 06/20/2003 | IAB | ☐ | ☒ |

## Incident Information

| | |
|---|---|
| URN: 002-13215-1137-013 | Date: 08-23-2002 Time: 0035 |
| City or Station: Lancaster Station | Nature of Incident: Deputies were detaining 2 suspects for home invasion robberies. Suspect Klingman arrived at the scene in a vehicle, pointed a .45 cal. handgun at the deputies. The deputies shot and killed Suspect Klingman. |
| Location: 15th Street East and Avenue J-8 | |

**Location Type (*circle one or more*):** Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ______

**Lighting (*circle only one*):** Darkness, Daylight, Other, **Street Lights** (circled)

**Weather (*circle only one*):** **Clear** (circled), Cloudy, Fog, Rain

**Distance:** 6-10 feet

**Incident Type (*circle one or more*):** Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, **Sniper/Ambush** (circled), Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

**Initiated by (*circle only one*):** Arrest Warrant, **Call** (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

**Prior Activity (*circle only one*):** Detective, Inmate Transport, **Other** (circled), Routine Patrol

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect |
|---|---|
| 24 | 0 |

Aero Unit? ☐ Canine Unit? ☐

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*circle only one*): | ShiftType (*circle only one*): |
|---|---|---|---|---|---|
| | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |

## Non-Employee Witnesses

| | | | |
|---|---|---|---|
| Last Name [redacted] | First Name [redacted] | M.I. [redacted] | |
| Street Address [redacted] | City [redacted] | Zip Code [redacted] | Work Ph [redacted] Home Ph [redacted] |
| Last Name [redacted] | First Name [redacted] | M.I. [redacted] | |
| Street Address [redacted] | City [redacted] | Zip Code [redacted] | Work Ph [redacted] Home Ph [redacted] |
| Last Name [redacted] | First Name [redacted] | M.I. [redacted] | |
| Street Address [redacted] | City [redacted] | Zip Code [redacted] | Work Ph [redacted] Home Ph [redacted] |

## Supervisors

| Employee # | Last Name | First Name | M.I. | (*circle one or more*): |
|---|---|---|---|---|
| [redacted] | Juarez | Frank | | **On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting |
| | | | | On Duty, Present during shooting, Witness to shooting, Involved in shooting |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Dino | Paul | |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Smith | Stephen | |

**PSTD Use Only**

SH # 2070458

SH-R-438A rev. 3/97

See Reverse

# Officer Involved Shooting

URN: 002-13215-1137-013



## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 08-23-02 | 0300 | | |

| Employee # | Last Name | First Name | M.I |
|---|---|---|---|
| [redacted] | Gregg | Lawrence | R |
| [redacted] | Porlier | Clay | |
| | | | |

## Shooting / Force Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### Caliber

( 9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## *FORCE APPLIED* *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| E#1 | S#1 | FH | BR | 9 | Y | Y | GS | DH |
| E#2 | S#1 | FH | BR | 9 | Y | Y | GS | DH |
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See Front Side

# Officer Involved Shooting
# Involved Employee Information

URN: 002-13215-1137-013



## Involved Employee

**E 1**

Employee # [redacted] | Last Name: Kelly | First Name: Gregory | M.I.:

Sex: M | Race: | Rank: Deputy | Unit Assignment: Lancaster Station | Work Assignment (Unit #, Module, etc.): 114

ShiftTime (*circle only one*): **EM** PM Day | ShiftType (*circle only one*): **Regular** Overtime Off Duty | Intoxication/Drug Usage? [ ] | Substance Used:

Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case # | Interviewed? [X]

Hrs of sleep prior to shooting: 6 | Duty Time (hrs): [redacted]

Age: [redacted] | Height: 5'10" | Weight: 165

Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**

Other Factors:

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp [redacted] Last Name [redacted] First Name [redacted] M.I.

Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.

**E 2**

Employee [redacted] | Last Name: Knight | First Name: Shannon | M.I.:

Sex: M | Race: W | Rank: Deputy | Unit Assignment: Lancaster Station | Work Assignment (Unit #, Module, etc.): 114

ShiftTime (*circle only one*): **EM** PM Day | ShiftType (*circle only one*): **Regular** Overtime Off Duty | Intoxication/Drug Usage? [ ] | Substance Used:

Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case # | Interviewed? [X]

Hrs of sleep prior to shooting: 6 | Duty Time (hrs): [redacted]

Age: [redacted] | Height: 5'08" | Weight: 145

Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**

Other Factors:

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.

Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.

**E __**

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? [ ] | Substance Used:

Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case # | Interviewed? [ ]

Hrs of sleep prior to shooting: | Duty Time (hrs):

Age: | Height: | Weight:

Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest

Other Factors:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? [ ] | Patrol Certification? [ ] | Certification Unit: | Prior Shootings? [ ] | Number of Prior Shootings:

Field Training Officer Emp # Last Name First Name M.I.

Field Training Officer Emp # Last Name First Name M.I.



See Other Side

# Officer Involved Shooting
# Suspect Information

URN: 002-13215-1137-013



## Suspect Information

**S 1**

| | | |
|---|---|---|
| Last Name: Klingman III | First Name: Robert | M.I.: W |
| AKA Last Name: "SNO" | First Name: | M.I.: |

| | | | |
|---|---|---|---|
| Sex: M Race: W | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: | Home Phone: | Social Security #: [redacted] | Driver's License #: [redacted] |
| Age: 216 D.O.B. 06-02-81 | Height: 5'09" Weight: 160 | FBI #: [redacted] | CII #: [redacted] |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☒ | Coroner Case #: 2002-06336 | Intoxication/Drug Usage? ☒ | Substance Used: Alcohol |
| Armed? ☒ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make: Saturn | | Model: | Year: 1998 |

**S__**

| | | |
|---|---|---|
| Last Name: | First Name: | M.I.: |
| AKA Last Name: | First Name: | M.I.: |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |

**S__**

| | | |
|---|---|---|
| Last Name: | First Name: | M.I.: |
| AKA Last Name: | First Name: | M.I.: |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |

**S__**

| | | |
|---|---|---|
| Last Name: | First Name: | M.I.: |
| AKA Last Name: | First Name: | M.I.: |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |



See Other Side

# SUPPLEMENTAL NON-EMPLOYEE WITNESSES
## Los Angeles County Sheriff's Department



**Non-Employee Witnesses**

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

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Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph




# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

January 14, 2003

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File #: 02-0760
L.A.S.D. File #: 002-00091-3100-999

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 23, 2002, fatal shooting of Robert Wayne Klingman by Los Angeles County Deputy Sheriff's Gregory Kelly and Shannon Knight. We have concluded that both deputies acted lawfully in self-defense and in defense of others.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, which were submitted to this office on October 29, 2002. Additionally, the District Attorney Response Team participated in this investigation. The District Attorney's Command Center was notified of this shooting on August 23, 2002 at 1:45 a.m. Deputy District Attorney Kraig St. Pierre and District Attorney Senior Investigator [redacted] responded to the scene of the shooting where they were given a briefing and a "walk-through" by Sheriff's personnel.

FACTUAL ANALYSIS

In the early morning hours of Friday, August 23, 2002, 21 year old Robert Wayne Klingman, 19 year old David Taylor and 17 year old [redacted] embarked on a crime spree in the City of Lancaster. At approximately 12:10 a.m., the three went to [redacted] Yaffa Street. The breaker switches to the residence were turned off and a 20 pound dumbbell was thrown through a sliding glass door. [redacted] the resident at that address, was awakened and walked down stairs. He confronted Klingman who shot him in the shoulder with a .45 caliber handgun. Klingman and his two associates then fled.

At approximately 12:25 a.m., the trio found themselves at [redacted]hagal Avenue, the residence of [redacted] and [redacted] The [redacted] residence is approximately [redacted] mile [redacted] of the [redacted]esidence. The telephone lines into the [redacted] residence were pulled away from the building and disabled. Klingman, who was still armed with a .45 caliber handgun, fired a round through a sliding glass door, causing it to shatter. Klingman, Taylor and [redacted] then entered the residence. The [redacted] were confronted by the trio, but no one was injured. The [redacted] residence was ransacked, but no apparent loss was noted.

While leaving the [redacted]esidence, Klingman was confronted by the [redacted] next door [redacted] Klingman walked to within five feet of Mr. [redacted]pointed his handgun at Mr. [redacted] chest and pulled the trigger. The gun failed to fire. Klingman pulled the slide back and again pointed his gun at Mr [redacted] Klingman ordered Mr [redacted]o the ground. Fearing for his life, he complied, lying on his back. Klingman then fired several rounds at Mr. [redacted]striking him in the right thigh and buttocks. Taylor and [redacted]fled on foot; Klingman fled in his [redacted] 1998 Saturn automobile.

Deputies from the Sheriff's Department responded to both shootings. Deputies Kelly and Knight were informed that two male African-Americans were seen running from the [redacted]esidence. While traveling southbound on Emile Zola Street, en route to [redacted] residence, Kelly and Knight saw two shadows running across a yard and duck through a fence. The deputies got out of their car and began to check the area where they saw the two individuals disappear. They noticed a hole in a fence and, proceeding through the yard, came upon a cinder block wall that separated the property line from 15th Street East. Looking over the cinder block wall, the deputies saw two African-Americans, Taylor and [redacted] walking northbound on the west sidewalk of 15th Street. Kelly and Knight scaled the cinder block wall and, after a short foot pursuit, detained both Taylor and [redacted] Both were handcuffed and asked to sit on the curb.

As Knight and Kelly were detaining the two, a 1998 Saturn automobile driven by Klingman pulled up next to them. According to Deputy Kelly, he looked into the vehicle and saw Klingman with blood on his right arm and hand, and a "crazed out of his mind" look on his face. Suddenly, Klingman raised his right arm and pointed a handgun directly at Deputy Kelly. Kelly, in fear for his safety, fired approximately 12 rounds at Klingman. Deputy Knight, who was standing a short distance from his partner, also saw Klingman point a gun at Deputy Kelly. In fear for his partner's life, he fired approximately 12 rounds at Klingman.

Klingman accelerated his car and drove southbound a short distance and came to a stop. Additional units arrived to assist. Deputies carefully approached the Saturn and noticed that Klingman was non-responsive. They also noticed a .45 caliber handgun in his lap. The gun and Klingman were removed from the vehicle. Paramedics were summoned but Klingman was pronounced dead at 12:57 a.m. The magazine to Klingman's weapon was loaded with three live rounds of ammunition; five live rounds were found in his pants pocket.

On August 27, 2002, Dr. Raffi S. Djabourian, M.D., Deputy Medical Examiner, performed an autopsy on the body of Robert Wayne Klingman. He ascribed the cause of death to a gunshot wound to the chest. Klingman suffered three addional gunshot wounds to the body.

On February 1, 2001, Klingman was convicted of [redacted]

CONCLUSION

Klingman and his two crime partners engaged in a short but violent crime spree during which Klingman shot two people with a .45 caliber handgun. Alert police work led to the detention of Taylor and [redacted] a short distance from the second home invasion robbery and shooting. While Deputies Kelly and Knight were detaining Taylor and [redacted] Klingman drove up to them and suddenly pointed a loaded .45 caliber handgun directly at Deputy Kelly. Given the nature of Klingman's sudden threat on the life of Deputy Kelly, coupled with his attempted murder of Mr [redacted] and shooting of Mr [redacted] both Kelly and Knight had every reason to believe that Klingman was about to shoot Deputy Kelly. They in turn fired numerous rounds at Klingman.

It is the conclusion of this office that Deputy Kelly acted lawfully in self-defense, and that Deputy Knight acted lawfully in the defense of Deputy Kelly. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By
JAMES L. COSPER
Acting Head Deputy

c: Deputy Gregory Kelly, #[redacted]
Deputy Shannon Knight, #[redacted]